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**TELECOPIER COVER SHEET**

**Client/Matter Nos: 77016**

**Date: October 18, 2005**

The transmission that follows totals 2 pages, including this cover sheet. Please deliver immediately to the following:

**Art Unit: 1761**  
**Confirmation No.: 7259**

**Fax: (571) 273-8300**

**Re: U.S. Application No.: 10/697,402**  
**AKASHE, et al.**

This transmission is being sent by ramon r. hoch, please call (202-419-7000) if there is a problem with this transmission.

**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on October 18, 2005.

Ramon R. Hoch  
Ramon R. Hoch, Reg. No. 34,108

**Attached Paper(s):**

**1) Response to Restriction Requirement and Election of Species (1 page(s));**

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## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ) Confirmation No. 7259  
 AKASHE, ET AL. )  
 ) Attny. Dkt.: 77016  
 )  
 Serial No.: 10/697,402 ) Group Art Unit: 1761  
 )  
 Filed: October 29, 2003 ) Examiner: Weier, Anthony J.  
 )  
 For: METHOD OF DEFLAVORING )  
 WHEY PROTEIN )

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT  
AND ELECTION OF SPECIES

Sir:

In response to the Office Action mailed September 26, 2005, the claims of Group I, Claims 1-23 ("drawn to a method of preparing a whey protein material"), and the species 1b ("Acidic pH treatment, claim 3"), readable on Claims 1 and 3-23, are elected without traverse.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Date: October 18, 2005

By: Ramon R. Hoch

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